C.F. 72.

192-

Department of -Local

OFFICE Police Office

STATION Lautoka

No. 2190

Dated 8-10-25

To whom sent		Date	Initial.
	Given for copying		
	Copied		
	Examined		
	Signed		
	Given for despatch		
	Despatched	11/10/25	
	Indexed		
Pages in the file	To be destroyed on*		

(SUBJECT.)

Native Female Prisoners in Gaol

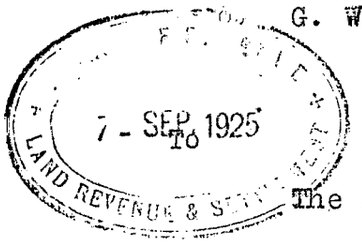
* Not to be filled in in the case of permanent records.

B3922

Ref.C.No.5559-25-A2. South Kanara Collector's Office,
Mangalore, 3rd September 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.



To The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Assignment -- land - town sites under B.S.O.21 - to members of depressed classes - Instructions solicited.

****

After the advent of the Labour Department in this District, the District Labour Officer has been applying for ----- reservation and assignment of town-sites for members of the -- depressed classes. I find difficulty in applying the ------- provisions of B.S.O.21 in these cases and I solicit Board's -- instructions in the matter.

2. The reservation of land for assignment to members of depressed classes is contemplated by para 38 of B.S.O.15 ----- (revised). In the case of town-sites B.S.O.No.21 and not --- B.S.O.15 is applicable. In view of this fact, town-sites --- cannot I think be reserved and I do not also think that the -- provision of para 10 (iv) of B.S.O.21 can be made applicable for the purpose as the said para is intended to repress ----- encroachments on Town sites and not to declare that they ----- should be used for a particular purpose only such as the ----- assignment of land to depressed classes.

3. The next point is whether the condition against ---- alienation prescribed in B.P.No.89 L.R. dated 2nd November 20 in the case of assignments of lands in villages under B.S.O.15 can be enforced in the case of assignments of town-sites under B.S.O.21. If the condition against alienation cannot be ---- enforced, there is every possibility of the object of the grant being frustrated by the members of the depressed classes. It

has come to my notice that some Town-sites in Mangalore and Kasargod Towns have been assigned by the Tahsildars to the members of the depressed classes under the house-sites rules embodied in para 40(3) of the revised B.S.O.15 but subject to payment of ground-rent.

4. If the Board is of opinion that the reservation and assignment of town sites to members of depressed classes subject to the condition against alienation cannot be ordered under B.S.O.21 as it now stands, the question of providing for such reservation and assignment in B.S.O.21 may be considered in the interests of the depressed classes. I do not see how they can be given land in towns without the condition against alienation, and it is essential that I should have the authority to grant them land in towns under proper ----- safeguards, as in some cases they cannot conveniently reside outside the town.

Your obedient servant,

Collector.

4.9.25

4.9.25

M.D'S.4/9.

4 SEP

B4062

Ref.C.No.4438-25-A1. South Kanara Collector's Office,

Mangalore, 9th September 1925.

From

G. W. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement,

Madras.

Sir,

Assignment - Land - Town site - application of the --- House-site rules under B.S.O. 15 - orders solicited.

In D.R.No. 759/1330 on the file of the Tahsildar of -- Udipi and D.R.Nos. 1769/1324 and 1885/1324 on the file of the Tahsildar of Mangalore plots of land situated within the ---- towns of Udipi and Mangalore respectively have after obtaining Collector's sanction for the waiving of market value and the - levy of groundrent at Rs. 12-8-0 per acre, been assigned to --- various persons under the special darkast rules relating to -- the grant of house-sites to poor persons framed under B.S.O.15 para 40. Pattas have also been issued in the form prescribed by the house-site rules with all the conditions laid down ---- therein including the condition against alienation by the ---- assignee during a period of ten years from the date of the --- grant.

2. The lands assigned in the above cases are town site --- lands, the disposal of which is governed by B.S.O.No. 21 and I think that the application to them of the house-site rules --- framed under B.S.O. 15 was incorrect. The form of patta ---- prescribed for town-sites is that printed at page 87 of Volume II of the B.S.O. and that prescribed for house-sites granted -- under B.S.O. 15 is printed at page 64 Ibid. While the latter contains a condition against alienation of the land by the ---- assignee during a period of ten years, the former does not contai any such condition. The procedure laid down for the disposal

of town sites under B.S.O. 21 is also different from that relating to the grant of house-sites under B.S.O. 15. I doubt, therefore, whether the assignments made in the above cases -- subject to the conditions of the house-site rules in B.S.O. 15 are valid, the lands being really town sites situated within the limits of Udipi and Mangalore Towns. In the case of D.R. 1769/1324 (4) and 1885/1324 (2) ten years have already elapsed from the date of the grant.

3. I solicit the favour of the Board's orders regarding the validity of the grants in question. The records of the three darkast cases referred to are herewith submitted. There may be more cases of this kind but I am submitting only these three - for orders on the general question of the validity of such ----- grants. If the grants referred to in the above 3 darkast ---- cases are considered to be irregular, I request that the Board may be pleased to rectify them.

Your obedient servant,

Zaffrulla

For Collector.

14 SEP 1925

12/9/25

B 4062. above

To/Ab

The validity of these assignments of Townsites under B.S.O. 15 para 40. has already been questioned in the note of another file* from S. Kanara re Reservation of Townsites for depressed classes

This may lie over till orders are passed on B 3922/25

Under Sec 249

*B 3922. with Bs 16.9.25

5

R. F. XXII-A-19.—18,008—12-12-24.

Subject.—

FOR MEMBER

Assignment
Townsite (S. Kaua) Reservation
for depressed classes — necessary —
validity of assignment under S.O 15(40)
orders passed

READ AGAIN B.P No. _____ dated _____ 192

" " " _____ " " _____ 192

READ ALSO :—

Register No. _____, From the B 3922/25 } No. Mp 1-2 cf, dated _____ 192
B 4062/25 } Mp 3-4 cf

" " _____ " " " _____ " _____ 192

" " _____ " " " _____ " _____ 192

RESOLUTION. (Mis) No. 2190, dated 6 · XO · 192

The Bd considers that there is no need for ~~issuing~~ the issue of ~~a~~ special instructions for the reservation of townsite for the depressed classes, as under S.O. 21 para 14(1)+(ii) (1)+(2) townsites can be granted to members of the depressed classes free of initial payment and nominal rent or at a low ground rent according to circumstances. As regards the imposition of conditions against alienation the Col. is informed that under the Crown Grants Act

6

he can impose any conditions
Whether the assignment is
Concessional, or is made
subject to payment of
full value & Assessment
The Govt's attention is also drawn
to the Concluding portion of
Sub para (i) of para 14 of S.O. 21,
which ~~also~~ permits
~~indicates the need~~
~~for~~ the imposition of such restrictions
as ~~B~~ S.O. 15 (40) ~~(2)~~ was never
meant to apply to town sites
and the assignments of town sites ~~may~~
needs that ~~B.S.O~~ are irregular
The Govt is ~~therefore~~ requested
to regularise these assignments
~~by ratifying them~~ by making them
needs the provisions of B.S.O. 21 para 14 (ii) (1).

1/4

2/10

(Pro) 202
200

Dep
Secy
Home

C. F. 17-a—2-14.

OFFICE NOTE

Subject.

Land House Sites Towns — Reservation — S. Canara Collr proposal

From

B: 3922/20.

Register No.

To B

Please see the Collr letter q. In the absence of a specific provision in B.S.O. 21. it appears that town sites cannot be reserved for assignment to the depressed classes, as pointed out by the Collr. The town sites are usually valuable; and such reservation in towns will be rarely necessary S. O 15 does not deal with

building sites in towns & villages and para 38 gir. dealing with reservation would apply to townsites

para 1 of the rules &c.

4. Assignment of townsite is permissible only in the circumstances specified in clause (1) & (2) of para 14(ii) of S. O. 21. Must these Clauses assignments by the Govt to poor and deserving ryots is allowed but no restrictions are contained Later imposed. Sort may perhaps be addressed to impose the restriction against alienation a certain Govt may be consulted, if necy

M66. 08 I.
Dr. Secy. dt 11-5-32.

1. In the last sentence of para 3 of his letter, the Collr refers to certain assignments of townsites under para 40.

9

of B. S. O. 15. That para evidently refers to assessed lands in villages; please see the example form of patta granted in these cases at pp 64. vol II. The Coll may be informed that these assignments by the Talks were improper; and that it is only he that can assign townsite, vide para 14(iii) of B. S. O. 21.

pp 6 vol I

For orders.

The Collector raises two points —

(1) reservation of town-sites for the depressed classes; and

(2) restriction against alienation of town-sites assigned to the depressed classes.

As regards (1) there is now no provision for reservation of areas in towns. The general method of disposal of sites in towns is by auction sale and on payment of the appropriate rate of ground rent. The Coll has however power to assign townsites by private sale with concessions in the shape of reduction of ground rent or exemption from initial payments in the case of the poorer classes. In town-extension or town planning schemes plots are also res for the depressed classes. For these reasons no special reservation of areas in towns would seem necessary. Nor is it desirable to do so as such a reservation, in busy towns, may interfere with the needs of other classes. If approved, the

B.S.O. 21 para 11 (v) + (vi) & para 12

B.S.O. 21 para 14 (i) + (ii) (1) + (2) pp. 65-66 Vol I

may be informed accordingly.

The assignment of town-sites under para 40 of BSO 15 referred to in para 3 of the Collr's letter is irregular. This may be pointed out to the Collr and he may be asked to ratify the grants under BSO 21 para 14 (ii) (1). p 2 of / p 66 ante

As regards (2) - restriction on alienation there seems to be no difficulty in the Collector prescribing conditions against alienation in town-site* pattas. Under the Town Grants Act Govt can assign lands with any conditions whether the assignment is concessional or is made subject to payment of full value and assessment. It is in this view that alienation was restricted in the case of sale of lands to the depressed classes in Diwi project and under the recent G.O providing for collection of value in instalments from the depressed classes the conditions against alienation are still enforceable. The Collr may therefore be informed that he can restrict alienations in the case of grants of town-sites to the depressed classes.

* p 87 vol II
A.G.V. Govt's opinion (B)
Point this out to Collr
lwf

G.O. 535 - p 15 (K) 6-4-25

G.O. 862 Rev (G) 11-6-25 + Rdt draft amendments to BSO 15 Rule 38 - not published

For orders

Secy
16/9/25

The two questions raised by the Collr may be answered as follows

(1) There is no need for special instructions for the reservation of town sites for

11 5/

the depressed classes as BSO no 21 para 14 (i) and (ii) (1) & (2) makes adequate provision. Town sites can be granted to depressed classes free of initial payment & premium, at a low ground rent as laid down in Circs.

Assignment of house sites under para 40 of BSO no 15 is irregular as it is clearly stated in para 1 of BSO no 25 that it applies to land at the disposal of Govt "other than building sites in towns and villages" &c. There need be no doubt in the matter. The Taluk action in having had recourse to BSO 15 for the assignment of house sites to depressed classes, in the face of this direction was irregular the Coll. should take steps to regularize the assignments already made by the Taluk

But para 40 makes special rules for S. Kanara where the village is not generally a congeries of houses all close together. I agree that S.O. 15 (40)(3) was never meant to apply to towns however & that these assignments should be regularized

29/9.

(2) Any restrictions against alienation can be express. Para 14 (i) of BSO no. 21 clearly directs the Govt's imposition of such restrictions. It is stated herein that "Care shall be taken to word the patta in "such a manner as to prevent the benefit of the "Concession being claimed by assignees such "as dewcars who were not intended to benefit by "it" The Coll's attention may be drawn to this provision.

page 65 of BSO Vol I

29/9

28/9

P.T.O

To B

Draft submitted

Please see the C/Mis further letter at pp 3-4 raising the question of the validity of grant of tonnelike under B.S.O. 15 para 4.0.

This point was already raised and discussed in the note at p 5. n.f. above. No separate order for this reply seems necessary.

2/10